

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:13-CR-28-BR

UNITED STATES OF AMERICA,)
)
)
v.)
)
LARRY D. HILL, JR.)
)

O R D E R

This matter is before the court on defendant's motion for reconsideration of the court's 24 August 2021 order. (DE # 233.)

In that order, the court denied defendant's motion to suspend or terminate his restitution payments and recommended that he discuss his financial situation with his supervising probation officer. (8/24/21 Order, DE # 232, at 2.) In the instant motion, defendant again asks the court to terminate his restitution based on his income and expenses and because the restitution is excessive, violating the Eighth Amendment. (DE # 233, at 1-3.) Since defendant filed the motion, he apparently heeded the court's advice, as he is now making significantly lower restitution payments upon the recommendation of the probation officer. (See Rpt., DE # 234.)

There is no basis for the court to reconsider its earlier order. "The court does not have the authority to terminate outright a restitution obligation." (8/24/21 Order, DE # 232, at 2 (citing United States v. Lallemand, 207 F. App'x 665, 667 (7th Cir. 2006).) "[T]o the extent defendant challenges the restitution imposed as being excessive, that issue should have been raised on direct appeal" (Id.)

Defendant's motion is DENIED.

This 18 February 2022.



W. Earl Britt
Senior U.S. District Judge